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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

SHIRIN DELALAT, on behalf of herself,  
all others similarly situated, and the general  
public,

Plaintiff,

vs.

NUTIVA, INC.,

Defendant.

Case No. 4:16-cv-00711 HSG-KAW

Hon. Haywood S. Gilliam, Jr.

**DECLARATION OF WILLIAM P.  
COLE IN SUPPORT OF  
DEFENDANT'S OPPOSITION TO  
PLAINTIFF'S MOTION FOR CLASS  
CERTIFICATION**

Date: February 8, 2018

Time: 2:00 p.m.

Place: Courtroom 2, 4<sup>th</sup> Floor

1 I, William P. Cole, declare as follows:

2 1. I am an attorney with Call & Jensen, APC, counsel for Defendant Nutiva,  
3 Inc. in this action. I make this Declaration based on my own personal knowledge and  
4 could competently testify to the facts stated herein if called to do so.

5 2. Attached hereto as Exhibit 1 is a true and correct copy of excerpts of the  
6 Deposition of Plaintiff Shirin Delalat, taken in this action on October 2, 2017.

7 3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts of the  
8 Deposition of J. Michael Dennis, taken in this action on August 29, 2017.

9 4. Attached hereto as Exhibit 3 is a true and correct copy of excerpts of the  
10 Deposition of Colin Weir, taken in this action on August 23, 2017.

11 5. Attached hereto as Exhibit 4 is a true and correct copy of an Expert Report  
12 of Dr. Kent D. Van Liere, dated July 7, 2017. [will be filing redacted and unredacted  
13 versions; co-counsel providing the redacted version]

14 6. Attached hereto as Exhibit 5 is a true and correct copy of the Rebuttal  
15 Declaration of Dr. Denise N. Martin, dated July 7, 2017. [will be filing redacted and  
16 unredacted versions; co-counsel providing the redacted version]

17 7. Attached hereto as Exhibit 6 is a true and correct copy of the Expert  
18 Report of Hal Poret in this matter, excepting Appendix D.

19 8. Attached hereto as Exhibit 7 is a copy of “Declaration of Jack Fitzgerald  
20 in Support of *EX PARTE* Application for Preliminary Approval of Class Action  
21 Settlement” (excluding exhibits thereto), *Christine Cumming, on behalf of herself, all*  
22 *others, et al v. BetterBody Foods & Nutrition, LLC*, Case No. 37-2016-00019510-CU-  
23 BT-CTL in the Superior Court of the County of San Diego.

24 9. Attached hereto as Exhibit 8 is a true and correct copy of N. Bhavsar, et  
25 al., *The diverse nature of saturated fats and the case of medium-chain triglycerides:*  
26 *how one recommendation may not fit all*, Curr Opin Clin Nutr Metab Care 2016, 19:81-  
27 87, as produced by Plaintiff Shirin Delalat to Nutiva in discovery in this action.  
28

1           10. Attached hereto as Exhibit 9 is a true and correct copy of D. Cardoso, et  
2 al., *A coconut extra virgin oil-rich diet increases HDL cholesterol and decreases waist*  
3 *circumference and body mass in coronary artery disease patients*, Nutr. Hosp. 2015;  
4 32(5):2144-2152, as produced by Plaintiff Shirin Delalat to Nutiva in discovery in this  
5 action.

6           11. Attached hereto as Exhibit 10 is a true and correct copy of C. Cox, et al.,  
7 *Effects of dietary coconut oil, butter and safflower oil on plasma lipids, lipoproteins*  
8 *and lathosterol levels*, European Journal of Clinical Nutrition (1998) 52, 650-654, as  
9 produced by Plaintiff Shirin Delalat to Nutiva in discovery in this action.

10           12. Attached hereto as Exhibit 11 is a true and correct copy of *Harvard Health*  
11 *Letter*, October 2012, as produced by Plaintiff Shirin Delalat to Nutiva in discovery in  
12 this action.

13           13. Attached hereto as Exhibit 12 is a true and correct copy of C. Dayrit,  
14 *Coconut Oil: Atherogenic or Not? (What therefore causes Atherosclerosis?)*, Philippine  
15 Journal of Cardiology, July-September 2003, Volume 31 Number 3:97-104, as  
16 produced by Delalat to Nutiva in discovery in this action.

17           14. Attached hereto as Exhibit 13 is a true and correct copy of *ESC: Huge*  
18 *Diet Study Shows Carbs, Not Fats are the Problem*  
19 ([www.medpagetoday.com/meetingcoverage/esc/67566](http://www.medpagetoday.com/meetingcoverage/esc/67566)).

20           15. Attached hereto as Exhibit 14 is a true and correct copy of M. Dehghan, et  
21 al., *Associations of fats and carbohydrate intake with cardiovascular disease and*  
22 *mortality in 18 countries from five continents (PURE): a prospective cohort study*,  
23 Lancet 2017, Vol. 390:2050-2062.

24           16. Attached hereto as Exhibit 15 is a true and correct copy of “Declaration of  
25 Shirin Delalat in Support of Motion for Substitution as Plaintiff Pursuant to Fed. R.  
26 Civ. P. 25(a)(1)”, in *Khosrow Delalat v. Fountain Valley Regional Hospital and*  
27 *Medical Center, et al.*, Case No. 10-CV-1273-CAB (NLS) in the United States District  
28 Court for the Southern District of California.



**CERTIFICATE OF SERVICE**

I hereby certify that on December 1, 2017, I electronically filed the foregoing document described as **DECLARATION OF WILLIAM P. COLE IN SUPPORT OF DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR CLASS CERTIFICATION** with the Clerk of the Court using the CM/ECF System which will send notification of such filing via electronic mail to all counsel of record.

By: /s/ William P. Cole  
William P. Cole